

MEMORANDUM

To: Alexandra Rahn - Jackson Square Law Offices

From: Glenn T. Ault, MD, MEd

Date: 1/11/2006

Re: Rodney Asuega

Dear Ms. Rahn:

This is in reference to our phone conversation -- I hope this clarifies the questions that you had.

1) A CT scan is scheduled for Mr. Asuega on 2/16 at 9AM. The CT scan is to restage the cancer after the completion of his chemotherapy. If the CT scan shows no evidence of residual cancer, then a pouchagram will be scheduled. The pouchagram is an xray study that evaluates the small bowel pouch that I constructed to replace his rectum after it was removed. If the pouchagram is adequate and shows no abnormalities, he can be scheduled for takedown of his ileostomy (stoma).

2) If the CT scan shows abnormalities, then consultation with the oncologist will occur and a determination if further chemotherapy is necessary will be made.

3) If there is no cancer and the pouchagram is normal, I will schedule Mr. Asuega for takedown or reversal of his ileostomy. He will be hospitalized for approximately 5 days after that surgery. Recovery time is on average 3-4 weeks.

4) Follow-up care will be a routine history and physical examination along with blood work every 3 months for the first two years. There will be periodic CT scans as well. I generally recommend that the pouch undergo a flexible sigmoidoscopy every year to rule out any abnormalities or growths within the pouch. At a period of five years, if the cancer has not returned, he is considered cured from his cancer.

If you have any other questions, let me know.

PROOF OF SERVICE

The undersigned declares:

I am a citizen of the United States. My business address is 809 Montgomery Street, 2nd Floor, San Francisco, California 94133. I am over the age of eighteen years and not a party to the within action.

On the date set forth below, I caused a true copy of the within

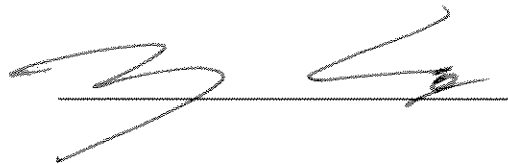
DECLARATION OF COUNSEL IN SUPPORT OF
STIPULATION TO CONTINUE PRETRIAL CONFERENCE
AND TRIAL DATES

to be served on the following parties in the following manner:

Mail _____ Overnight mail _____ Personal service _____ Fax ☒

Tom Brady
U.S. Attorney's Office
300 Ala Moana Blvd, Room 6-100
Honolulu HI 96850
Tel 808/541-2850

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on January 12, 2006, at San Francisco, California.

A handwritten signature, likely of Tom Brady, is written over a horizontal line. The signature is stylized and cursive.